

## Adjournment

On motion of Senator Lanning, the Senate at 12:40 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, June 2, 1941.

## APPENDIX

## Communication from Mrs. Adair Mauritz Nelson

Ganado, Texas,  
May 28, 1941.

Hon. Coke R. Stevenson, Lieutenant Governor and Members of the Senate of Texas.

Your resolution of condolence on the occasion of the death of my husband, John Lambert Nelson, is very deeply appreciated by me.

Your floral offering at the funeral service also gave evidence of your sympathy.

Bereavements must be faced, but sympathetic expressions from friends do tend to allay the sorrow.

May God's blessings rest upon each of you and upon your efforts in behalf of our people.

Very sincerely,

Adair Mauritz Nelson.

## Communication from Hon. Will D. Pace

Tyler, Texas,  
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Dear Friend:

Please let me thank you, and, through you, the individual members of the Texas Senate, for the beautiful flowers sent when my mother passed away recently.

I also want to especially acknowledge my gratitude to all of you for the resolution offered by Senator Winfield in memory of my mother, Mrs. Ida Orr Pace. This action by the Senate was indeed thoughtful, and I genuinely appreciated it.

Sincerely yours,

Will D. Pace.

## SEVENTIETH DAY

(Monday, June 2, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Hill	Spears
Smith	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of the Sixty-ninth Legislative Day was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Winfield.

Senator Smith was granted leave of absence for today on account of important business, on motion of Senator Moffett.

## Report of Standing Committee

Senator Weinert submitted the following report:

Austin, Texas,  
June 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1053, A bill to be entitled "An Act amending Section 5 of H. B.

No. 194, Acts of the Forty-first Legislature, 1929, Chapter 292, page 656, by reducing the interest rate of bonds in which taxes remitted to the City of Port Arthur may be invested; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

#### Senate Bill 493 on First Reading

The following local bill was laid before the Senate, read first time, and referred to the Committee on Counties and Boundaries:

By Senator York:

S. B. No. 493, A bill to be entitled "An Act authorizing the allowance of traveling expenses for members of the commissioners' court in certain counties; and declaring an emergency."

#### Senate Concurrent Resolution 71

Senator Ramsey offered the following resolution:

S. C. R. No. 71, Authorizing A. T. Mast to sue the State.

Whereas, A. T. Mast is the owner of a certain lot and parcel of land situated in the City of Nacogdoches, Nacogdoches County, Texas, and

Whereas, There has been constructed by the Highway Department of the State of Texas, an overpass over and across said lot or parcel of land and adjacent thereto; and

Whereas, The said A. T. Mast claims that the value to said lot has been greatly diminished and decreased because of the construction of said overpass and that he has been damaged by the construction of said overpass by said Highway Department, and that he has not been paid damages for the construction of said overpass by the Highway Department of the State of Texas, and that the Highway Department of the State of Texas, and/or the State of Texas, is liable to him for damages of said property by reason of the construction of said overpass.

Whereas, The said A. T. Mast is desirous of determining the liability of the State of Texas and/or the State Highway Department for damages to said property by the construction of said overpass by filing

suit or suits in the proper court or courts of the State of Texas; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said A. T. Mast be and he is hereby authorized to file suit against the State of Texas, and the State Highway Department of the State of Texas, in the proper court or courts having jurisdiction thereof in the State of Texas, to determine the damages, if any, he is entitled to recover; and that in the event said suit or suits are filed, service of citation or other necessary process shall be had upon the Chairman of the State Highway Commission and the Attorney General of the State of Texas, and that said case or cases shall be tried as all other Civil Cases, reserving to either party the right of appeal, and if final judgment is rendered against the State of Texas and the State Highway Department, or either of them, the State Highway Commission is hereby authorized and empowered to pay same out of State Highway Funds, and there is hereby appropriated a sufficient amount to pay said final judgment, if any, which might be recovered by the said A. T. Mast. However, it is to be understood that the purpose of this Resolution is to grant permission to said A. T. Mast to bring suit against the State of Texas, and no admission of liability of the State is made by this Resolution, and the facts as set out herein must be proved in court.

The resolution was read and referred to the Committee on State Affairs.

#### Senate Concurrent Resolution 72

Senator Ramsey offered the following resolution:

S. C. R. No. 72, Authorizing A. T. Mast and H. R. Mast to sue the State.

Whereas, A. T. Mast and H. R. Mast are the owners of a certain lot and parcel of land situated in the City of Nacogdoches, Nacogdoches County, Texas; and

Whereas, There has been constructed by the Highway Department of the State of Texas, an overpass over and across said lot or parcel of land and adjacent thereto; and

Whereas, Said A. T. Mast and H. R. Mast claim that the value to said lot has been greatly diminished and

decreased because of the construction of said overpass and that they have been damaged by the construction of said overpass by said Highway Department and that they have not been paid damages for the construction of said overpass by the Highway Department of the State of Texas, and that the Highway Department of the State of Texas, and/or the State of Texas, is liable to them for damages of said property by reason of the construction of said overpass.

Whereas, The said A. T. Mast and H. R. Mast are desirous of determining the liability of the State of Texas and/or the State Highway Department for damages to said property by the construction of said overpass by filing suit or suits in the proper court or courts of the State of Texas; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said A. T. Mast and H. R. Mast be, and they are hereby authorized to file suit against the State of Texas, and the State Highway Department of the State of Texas, in the proper court or courts having jurisdiction thereof in the State of Texas, to determine the damages, if any, they are entitled to recover; and that in the event said suit or suits are filed, service of citation or other necessary process shall be had upon the Chairman of the State Highway Commission and the Attorney General of the State of Texas and that said case or cases shall be tried as all other civil cases, reserving to either party the right of appeal, and if final judgment is rendered against the State of Texas and the State Highway Department, or either of them, the State Highway Commission is hereby authorized and empowered to pay same out of State Highway Funds, and there is hereby appropriated a sufficient amount to pay said final judgment, if any, which might be recovered by the said A. T. Mast and H. R. Mast. However, it is to be understood that the purpose of this resolution is to grant permission to said A. T. Mast and H. R. Mast to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution, and the facts as set out herein must be proved in court.

The resolution was read and was referred to the Committee on State Affairs.

### Senate Concurrent Resolution 73

Senator Chadick offered the following resolution:

S. C. R. No. 73, Authorizing correction in H. B. No. 983.

Whereas, H. B. No. 983 has passed the Senate with amendments, and such amendments have been concurred in by the House of Representatives, and such bill is now being engrossed prior to being delivered to the Governor for his action; and

Whereas, An amendment was offered to the printed bill when the same was pending in the Senate, adding the words at the end of paragraph (c) of Section 2, as follows: "But in no event shall any such corporation be authorized to spend more than Ten Thousand (\$10,000.00) Dollars in any one election contest" which said amendment was adopted; and

Whereas, A question has been raised as to whether or not the word "contest" should be used; and

Whereas, In order to make the provisions the same for both the criminal and the civil Sections of the bill, like language should be used, and paragraph (c) of Section 4 should be amended by inserting the same language at the end of such Section; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Engrossing Clerk of the House of Representatives be and is hereby instructed to insert the following language at the end of paragraph (c), Section 2, and likewise at the end of paragraph (c) of Section 4 of the printed bill: "but in no event shall any such corporation be authorized to spend more than Ten Thousand (\$10,000.00) Dollars in any one election."

The resolution was read, and by unanimous consent it was considered and adopted at this time.

### Message from the House

A Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following bills and resolutions:

S. B. No. 163, A bill to be entitled "An Act providing for and regulating appropriations from moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing for an annual appropriation of Three Hundred Twenty-five Thousand (\$325,000) Dollars for each of the fiscal years beginning September 1, 1941, and September 1, 1942, respectfully, and for the allocation thereof; and declaring an emergency."

With amendments.

H. B. No. 1066, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital for the treatment of cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four (4) years; and providing herein for the appointment of an Administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an Advisory Board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; the Cancer Commission will have power to make rules for conducting the hospital not contrary to the laws of the State of Texas; providing herein for the method of treatment of patients in said hospital and fixing the duties of the County Courts with respect to the admission and payment for said patients, including examination by the Counties of the State and for payment of burial of patient and

fixing the compensation of officers, physicians, surgeons, nurses and other employees, and providing herein expenses for persons who accompany patient to and from their place of residence and providing for form of research of patients and for persons trained in the work of following up cases of cancer and precancer; providing for the employment by the Administrator of said Cancer Hospital any nurse attendant necessary for the conducting thereof, and providing herein for a Committee to be appointed by the Governor, and providing herein for the establishment of a laundry building and equipment for the Hospital, appropriated out of the State Treasury, charged to the General Revenue Fund as the General Assembly shall deem necessary to maintain the State Cancer Hospital."

S. C. R. No. 70, Declaring the purpose and intent of the Legislature by the passage of H. B. No. 205.

H. C. R. No. 166, Granting Mrs. Wodie Spore permission to sue the State of Texas.

H. C. R. No. 172, Granting R. W. Dillard and wife, Lillian Dillard, permission to sue the State.

H. C. R. No. 190, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 360.

H. C. R. No. 191, Declaring the intent of the Legislature with respect to Sections 4 and 10 of H. B. No. 933, Acts of the Forty-sixth Legislature.

The House has granted the request of the Senate for the appointment of a new Conference Committee on H. B. No. 29 and appoints on the part of the House the following: Fuchs, Chambers, Hoyo, Carrington, and Donald.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bill 971 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 971 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 971, A bill to be entitled "An Act authorizing cities and towns

eligible under the terms of this Act to fund certain indebtedness outstanding on the effective date of this Act; prescribing the method and procedure for issuance of funding or refunding bonds, and which cities or town cannot derive revenues for general fund operating expenses from any publicly owned utilities at this time; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall not increase the debt burden of any such city or town; providing that this Act shall be cumulative of all other Acts, but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject; and declaring an emergency."

The bill was read second time.

Senator Weinert offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 971 by inserting after the words "any city or town in this State" in line 1 and 2 of Section 1 the following words: "having a population of less than three hundred eighty thousand (380,000) inhabitants, according to the preceding or any future Federal Census,"

(2)

Amend the caption of H. B. No. 971 by inserting after the words "cities and towns" in line 1 of the enrolled bill the following words: "having a population of less than three hundred eighty thousand (380,000) inhabitants, according to the preceding or any future Federal Census, and"

The (committee) amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 971 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 971 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Fain
Beck	Formby
Brownlee	Graves
Chadick	Hazlewood
Cotten	Isbell

Kelley	Ramsey
Lanning	Shivers
Lemens	Stone
Lovelady	Sulak
Martin	Van Zandt
Mauritz	Vick
Metcalfe	Weinert
Moffett	Winfield
Moore	York

Absent—Excused

Hill	Spears
Smith	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Hill	Spears
Smith	

#### Vote on House Bill 894 Reconsidered

Senator Cotten moved to reconsider the vote by which H. B. No. 894 was passed on Thursday, May 29, 1941 and to recall the bill from the House.

The motion prevailed.

#### Motion to Set House Bill 942 as a Special Order

Senator Shivers moved that H. B. No. 942 be set as a special order for 11:00 o'clock a. m. today.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14

Beck	Mauritz
Chadick	Metcalfe
Hazlewood	Moffett
Kelley	Ramsey
Lovelady	Shivers

Stone  
Weinert

Winfield  
York

### Nays—12

Aikin  
Brownlee  
Cotten  
Fain  
Graves  
Isbell

Lanning  
Lemens  
Moore  
Sulak  
Van Zandt  
Vick

Absent—Excused

Hill

### Paired

Senator Formby (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

Senator Martin (present), who would vote "nay" with Senator Smith (absent), who would vote "yea."

### House Concurrent Resolution 191

The President laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 191, Declaring intent of the Legislature with respect to H. B. No. 933 of the Forty-sixth Legislature.

On motion of Senator Van Zandt and by unanimous consent, the resolution was considered and adopted at this time.

### House Concurrent Resolution 155

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 155 at this time.

The President laid before the Senate for consideration at this time:

H. C. R. No. 155, Granting John W. Hoch permission to sue the State.

The resolution was read.

Senator Mauritz offered the following amendment to the resolution:

Amend H. C. R. No. 155 by adding thereto the following paragraph:

"However, it is to be understood that the purpose of this resolution is to grant permission to said John W. Hoch to bring suit against the State of Texas and against the Highway Department of the State of Texas, and no admission of liability of the State of Texas or the Highway De-

partment of the State of Texas is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

### Notice Given

At 11:00 o'clock a. m., Senator Martin gave notice that he would on tomorrow move that the Senate go into executive session at 11:00 o'clock a. m. on that day.

### Motion to Set House Bill 199 as Special Order

Senator Moore moved that H. B. No. 199 be set as a special order for 11:00 o'clock a. m. today.

The motion was lost by the following vote:

### Yeas—11

Beck	Metcalf
Fain	Moore
Hazlewood	Stone
Kelley	Winfield
Martin	York
Mauritz	

### Nays—17

Aikin	Lovelady
Brownlee	Moffett
Chadick	Ramsey
Cotten	Shivers
Formby	Sulak
Graves	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	

Absent—Excused

Hill	Spears
Smith	

### Bills Tabled

On motion of Senator Cotten, S. B. No. 77 was tabled.

On motion of Senator Van Zandt, S. B. No. 167 and S. B. No. 168 were tabled.

On motion of Senator Lovelady, S. B. No. 69 was tabled.

On motion of Senator Mauritz, S. B. No. 121 and S. B. No. 279 were tabled.

On motion of Senator Van Zandt S. B. No. 178 and S. B. No. 457 were tabled.

**Senate Bill 51 Set as Special Order**

Senator Kelley moved that S. B. No. 51 be set as a special order Tuesday, June 3, 1941, immediately after completion of the morning call on that day or for 11:00 o'clock a. m., if there is no morning call on that day.

The motion prevailed by the following vote:

**Yeas—19**

Beck	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Shivers
Graves	Stone
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Martin	

**Nays—7**

Aikin	Sulak
Brownlee	Weinert
Lovelady	York
Ramsey	

**Absent**

Hazlewood	Isbell
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**Absent—Excused**

Hill	Spears
Smith	

**House Bill 965 Set as Special Order**

Senator Metcalfe moved that H. B. No. 965 be set as a special order for 11:30 o'clock a. m. today.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Mauritz	York
Metcalf	

**Nays—4**

Brownlee	Lovelady
Chadick	Sulak

**Absent**

Beck	Martin
Isbell	

**Absent—Excused**

Hill	Spears
Smith	

**Concurrence in House Amendments to Senate Bill 163**

Senator Aikin called S. B. No. 163 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—19**

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Hazlewood	Sulak
Kelley	Van Zandt
Lanning	York
Lemens	

**Nays—9**

Cotten	Stone
Graves	Vick
Isbell	Weinert
Martin	Winfield
Moore	

**Absent—Excused**

Hill	Spears
Smith	

**Bills and Resolutions Signed**

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 7, A bill to be entitled "An Act making a donation of all of the net amount of State ad valorem taxes collected on property situated in and from rolling stock of railroads apportioned to Calhoun County, Texas, to the City of Port Lavaca, Texas, to enable the city to construct repair, and improve sea walls, breakwaters, and harbors, to prevent continuing and recurring calamitous overflows; providing for reports by the assessor and collector of taxes to Comptroller and providing for disposition of moneys collected by him; authorizing said city to issue bonds subject to the provisions and limitations contained in this Act; prescribing

ing a penalty for diversion of such State donated funds; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 1065, A bill to be entitled "An Act providing that mutual life insurance companies and associations operating under S. B. No. 135, Acts of the Regular Session of the Forty-sixth Legislature may with the approval of the Board of Insurance Commissioners place provisions in the policies issued providing for the payment of reduced benefits or the exclusion of coverage if death or injury occurs while the insured is engaged in military, naval, aerial service or aerial flight in time of peace or war; or while engaged in certain hazardous occupations to be named in the policies; or if death or injury is caused by mob violence or legal execution; and providing for reducing or excluding benefits for sickness from certain named causes; providing a savings clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 214, A bill to be entitled "An Act amending Article 1036, Title 15, Chapter 2, of the Code of Criminal Procedure of 1925, as amended by Chapter 75, Acts of the Regular Session of the Fortieth Legislature, and by Chapter 143 of the Acts of the Regular Session of the Forty-second Legislature, providing for the payment of witness fees by the State of Texas; prescribing the procedure to be followed in the payment thereof; and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than eleven thousand, seven hundred and twenty (11,720) and not less than eleven thousand, seven hundred and ten (11,710) inhabitants, according to the last preceding Federal Census of 1940; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

H. B. No. 686, A bill to be entitled "An Act amending Section 1 of Chapter 168, S. B. No. 203, of the General Laws of the Regular Session of the Forty-second Legislature so as to authorize the State Parks Board

to operate or grant concessions in State Parks and to operate concessions or make concession contracts for any causeway, beach drive or other improvements in connection with State Park sites; and providing that the revenue thus earned shall when collected be placed in the State Treasury; and authorizing the said Board to make such rules and regulations for the carrying out of this Act and the Laws of this State relative to State Parks as it may deem necessary not in conflict with law; and declaring an emergency."

H. J. R. No. 24, A joint resolution proposing an amendment to Section 22 of Article V of the Constitution of Texas by adding thereto authority for the Legislature to increase, diminish, or change the probate or other jurisdiction of the county court and to create additional courts having either exclusive or concurrent jurisdiction with the county courts in such matters.

S. C. R. No. 70, Providing funds to administer H. B. No. 205.

H. C. R. No. 183, Instructing Enrolling Clerk to correct H. B. No. 73.

H. C. R. No. 189, Authorizing the House and/or Senate to adjourn from May 29, 1941 to June 2, 1941.

#### Report of Standing Committee

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
June 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 493, A bill to be entitled "An Act authorizing the allowance of traveling expenses for members of the Commissioner's Court in certain counties; and declaring an emergency."

Have had the same under consideration, and we desire to report same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.



**Message from the House.**

A Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 67, Granting permission to Judges J. D. Stephenson, O. B. McPherson, and A. R. Stout to be absent from the State of Texas, etc.

S. C. R. No. 66, Relating to a well considered plan for providing additional space, in keeping with the actual needs of State Departments.

With amendments.

S. C. R. No. 68, Endorsing foreign policies of the President of the United States, etc.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

**Message from the Governor**

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,  
May 27, 1941.

To The Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Pilot Commissioners for Sabine, Bar, Pass and Tributaries, for two year terms expiring April 29th, 1943:

S. O. Lattimer of Port Arthur, Jefferson County (reappointment);

W. W. Glass of Port Arthur, Jefferson County (reappointment);

L. W. Hustmyre of Orange, Orange County (reappointment);

T. T. Hunt of Beaumont, Jefferson County (reappointment);

A. M. (Mickey) Phelan of Beaumont, Jefferson County. (To succeed J. P. Monaghan, deceased).

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

**House Bill 796 Set as Special Order**

Senator Moffett moved that H. B. No. 796 be set as a special order for 10:30 o'clock a. m. tomorrow.

The motion prevailed by the following vote:

Yeas—20

Aikin	Martin
Chadick	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Isbell	Shivers
Kelley	Van Zandt
Lemens	Vick
Lovelady	Weinert

Nays—6

Brownlee	Sulak
Cotten	Winfield
Lanning	York

Absent

Beck	Stone
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Absent—Excused

Hill	Spears
Smith	

**Senate Joint Resolution 1**

Senator Lanning moved that S. J. R. No. 1 be set as a special order for immediate consideration by the Senate.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—4

Formby	Shivers
Graves	Vick

Absent

Stone

Absent—Excused

Hill  
Smith

Spears

The President laid before the Senate, on its passage to engrossment (the resolution having been read second time on May 19, 1941):

S. J. R. No. 1, A joint resolution proposing an amendment to Article VIII of the Constitution of the State of Texas, by adding thereto a new Section to be known as "Section 7-a" providing that all road-user tax revenues shall be used exclusively for road purposes under the regulations prescribed by the Legislature, excepting that one-fourth ( $\frac{1}{4}$ ) of the net revenues derived from motor fuel taxes are allocated to the State Available School Fund; providing for proclamation, publication and election and appropriating the necessary funds therefor.

Senator Lanning offered the following (committee) amendment to the resolution:

Amend S. J. R. No. 1, by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article VIII of the Constitution of the State of Texas be amended by adding thereto a new Section to be known as Section 7-a and to read as follows:

"Section 7-a. All revenue, in excess of the cost of collection and administration and exemptions, accruing from road-user taxes, namely: Motor vehicle registration fees, drivers license fees, and all taxes on motor fuels and lubricating oils used in propelling motor vehicles over public roads, on automobiles, trucks, and tires or tubes for same, excepting ad valorem and gross production taxes thereon, shall be used exclusively for the construction, maintenance and policing of public roads and streets and for the discharge of the principal and interest on county or road district bonds and warrants voted before January 2, 1939, for roadbuilding purposes; provided however, that one-fourth ( $\frac{1}{4}$ ) of the net motor fuel tax revenue is hereby allocated to the Available Free School Fund. Nothing herein shall authorize the pledging of the State's credit for any purpose."

Sec. 2. The foregoing amendment to the Constitution shall be submitted to a vote of the qualified electors of this State at an election to be held

throughout the State on the 1st Monday of November, 1941, at which election each ballot shall have printed thereon the following words:

"FOR the amendment to the State Constitution requiring 'that road-user taxes shall be used exclusively for road purposes, excepting that one-fourth ( $\frac{1}{4}$ ) of the motor fuel tax revenues are set apart to the State Available School Fund.'

"AGAINST the amendment to the State Constitution requiring 'that road-user taxes shall be used exclusively for road purposes, excepting that one-fourth ( $\frac{1}{4}$ ) of the motor fuel tax revenues are set apart to the State Available School Fund.'"

Each voter shall strike out with pen or pencil the clause which he desires to vote against so as to indicate whether he is voting for or against said proposed amendment.

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for amendments thereto.

Sec. 4. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from funds in the Treasury of the State not otherwise appropriated to pay the expenses of such publication.

The (committee) amendment was adopted.

Senator Lanning offered the following amendment to the resolution:

Amend S. J. R. No. 1, Committee amendment No. 1, by inserting in line 31, the words "or issued" between the word "voted" and the word "before."

The amendment was adopted.

Senator Lanning offered the following amendment to the resolution:

Amend S. J. R. No. 1, by striking out in line 27 the words "on automobiles, trucks, and tires or tubes for same."

The amendment was adopted.

Senator Formby offered the following amendment to the resolution:

Amend S. J. R. No. 1, Section 7-a, line 31, by changing date "January 2, 1939" to "January 2, 1941."

Senator Lanning moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—21

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Graves	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Weinert
Lovelady	York
Martin	

## Nays—7

Chadick	Moffett
Formby	Vick
Hazlewood	Winfield
Kelley	

## Absent—Excused

Hill	Spears
Smith	

Senator Aikin offered the following amendment to the resolution:

Amend S. J. R. No. 1 by adding the following on page 1, line 23, after the word "revenue" the following: "levied at and before the effective date of this amendment."

Senator Shivers moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—11

Brownlee	Ramsey
Fain	Shivers
Lanning	Weinert
Lemens	Winfield
Metcalf	York
Moore	

## Nays—17

Aikin	Lovelady
Beck	Martin
Chadick	Mauritz
Cotten	Moffett
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	

## Absent—Excused

Hill	Spears
Smith	

The amendment was adopted.

On motion of Senator Lanning, the caption of the resolution was amended to conform to the body of the resolution as amended.

On motion of Senator Lanning, and by unanimous consent the date of the election to be held pursuant to the resolution was changed to conform to the date for the next general election.

The resolution was passed to engrossment and adopted by the following vote:

## Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Hazlewood	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

## Nays—5

Chadick	Kelley
Formby	Vick
Graves	

## Absent—Excused

Hill	Spears
Smith	

## Message from the House

A Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the Conference Committee report on S. B. No. 402 and has referred the bill back to the Conference Committee for further consideration.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

## Messages from the Governor

The President laid before the Senate and had read the following messages from the Governor:

Austin, Texas,  
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Pharmacy for six year terms to expire June 14, 1947:

E. M. Joseph, Austin, Travis County (reappointment);

Shine Philips of Big Spring, Howard County

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the State Board of Education to succeed Homer DeWolfe, deceased, term to expire January 1, 1945:

Judge Royall Watkins of Dallas, Dallas County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Commission of Public Safety, term to expire December 31, 1945:

George Prendergast of Marshall, Harrison County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Medical Examiners for six year terms expiring April 13, 1947:

Dr. H. F. Connally of Waco, McLennan County (reappointment);

Dr. Sam F. Sparks of Dallas, Dallas County (to succeed Dr. R. H. Peterson);

Dr. M. H. Crabb of Fort Worth, Tarrant County (to succeed Dr. W. C. Morrow);

Dr. N. D. Buie of Marlin, Falls County (to succeed Dr. M. M. Brown).

To be a Member of the Board of Medical Examiners to fill the unexpired term of Dr. N. D. Buie, appointed to six year term:

Dr. John A. Hart of Beaumont, Jefferson County (term expires April 13, 1943).

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of Texas Technological College for six year terms expiring February 19, 1947:

J. M. West, Houston, Harris County;

John B. Collier, Jr., Fort Worth, Tarrant County;

Chancellor Weymouth, Amarillo, Potter County.

To be a Member of the Board of Directors of Texas Technological College to fill unexpired term of Joe T. Sneed, deceased, term to expire February 19, 1945:

A. J. Riddle, Denison, Grayson County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of King's Memorial State Park Commission for two year terms expiring June 2nd, 1943:

Dr. Josephine Shelton Finn of Refugio, Refugio County.

Mrs. Celeste Low of Refugio, Refugio County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
June 2, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Dental Examiners for six year terms expiring June 10, 1947:

Dr. B. Carl Holder, Corpus Christi, Nueces County;

Dr. T. J. Treadwell, Fort Worth, Tarrant County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

### Signing of Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

S. C. R. No. 67, Granting certain district judges leave of absence from the State.

S. C. R. No. 68, Endorsing foreign policies of the President of the United States.

### Recess

On motion of Senator Metcalfe the Senate, at 12:55 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

### APPENDIX

#### Communication from Family of Judge George E. Christian

To the Senate, Forty-seventh Legislature,  
Austin, Texas.

The family of the late Judge George E. Christian wish to thank you for the beautiful flowers and your kind expression of sympathy as expressed in your Concurrent Resolution No. 39.

We are grateful for the tribute paid to our husband and father, and our appreciation is deep and ever-lasting.

Sincerely,

Mrs. George E. Christian,  
Juliet, George Jr., and  
Martha Jo Christian.

May 29, 1941,  
3108 Wheeler St.

A Tribute to

## Our Beloved Morris Sheppard

Senator Beck submitted the following poem by Nina Pauline Hannon, which was ordered printed in the Journal:

I wonder how I will ever begin to write a just  
Tribute to such man among men;  
No scholar or poet can write such poem as he lived  
From beginning to end,  
Learned, wise, just, generous, and true; such noble  
Traits were all his; these only a few;  
So gentle, a child's tears moved him, as others are  
Moved by a broken heart,  
Anxious always for others, never failing a friend,  
Generously doing his big part;  
Yet his heart and vision was much too great to stop  
With serving only those he held dear;  
Loyally he gave himself to serve his country, never  
Once counting the cost, without fear;  
Today steps are falling softly; heads are bowed in  
Grief at the loss of such man and friend;  
Who failed to give sufficient thought to his body's  
Need, which doubtlessly hastened the end.  
Not strange, that he went to join the Master on  
This Holy Week;  
Always a faithful steward and follower in serving  
His Lord, lowly and meek.  
What a heritage he has left to all who knew him,  
With such purpose great and true;  
Up yonder, he will watch anxiously as he beckons  
To all. This means you, and you, and you.

—Nina Pauline Hannon,  
1103 Main Street,  
Texarkana, Texas.